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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,563	09/19/2003	Joan Morris	14920/67705	5536

7590

09/08/2005

Peter A. Nieves
Hayes Soloway P.C.
175 Canal Street
Manchester, NH 03101

EXAMINER

JACKSON, MONIQUE R

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HC

Office Action Summary

Q

Application No.

10/666,563

Applicant(s)

MORRIS ET AL.

Examiner

Monique R. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-34 is/are pending in the application.
- 4a) Of the above claim(s) 14-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The amendment filed 6/13/05 has been entered. Claim 2 has been canceled. New claims 31-34 have been added. Claims 1 and 3-34 are pending in the application. Claims 14-30 have been withdrawn from consideration.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1, 3-13 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neill et al (USPN 4,073,777) in view of view of Werner (USPN 482,604) or Takiyama et al (USPN 4,490,410) and in further view of Oxman et al (USPN 6,692,611). O'Neill et al teach an aqueous radiation curable composition that can be applied to textile fabrics, air dried and then exposing the dried coating to UV light to cure the coating to produce a durable finish on the textile fabric, wherein the composition may be utilized as a coating or adhesive material (Abstract; Col. 1-2; Col. 6, lines 42-54.) O'Neill et al specifically teach that the water in the coating is evaporated and that a bond can be formed by application of ultraviolet light (Col. 6, lines 43-68.) O'Neill et al further teach that the composition may further include pigments or other additives for the purpose of contributing to the intended use of the composition (Col. 11, lines 21-36.) Hence, O'Neill provides a suggestion that the UV curable composition may form an adhesive bond with another surfaces or may provide pigments properties on the fabric surface. Though O'Neill does not specifically teach that the pigments or the other surface adhered comprises precious metal leaf or metal particles, it is well established in the art that textile fabrics may be decorated with metal particles or metal leaf such as gold leaf as taught by Werner

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or Takiyama et al to provide a metallic design on the fabric material, particularly utilizing a metal transfer process. Further, though O'Neill teaches that the UV curable coating is first dried and then the dried film is cured by exposing the dried film to UV light, O'Neill does not specifically teach that the coating and drying takes place in light conditions to prevent premature curing however the Examiner notes that Oxman et al also teach a UV curable composition that is first dried prior to curing wherein the drying takes place in yellow light to avoid premature curing of the adhesive. Hence, one having ordinary skill in the art at the time of the invention would have been motivated to coat and dry the composition taught by O'Neill under light conditions such as yellow light as taught by Oxman et al to prevent premature curing of the composition. Lastly, it is noted that though O'Neill teaches that the composition may act as an adhesive material that may be dried and then later exposed to radiation to form a bond, O'Neill does not specifically state whether the second surface to be bonded is applied prior to or after drying however it would have been prima facie obvious to one having ordinary skill in the art at the time of the invention to apply the second substrate, such as a metal leaf or metal particles, before or after drying, based on the substrate materials adhered and whether proper drying can take place while the two substrates are laminated. As previously recited with respect to the claim limitations regarding the use of a mask and cleaning unexposed material after exposure through the mask, it is noted that the use of a mask with a photocurable composition to produce a desired pattern affect is well established in the art and would have been obvious to one skilled in the art at the time of the invention.

Response to Arguments

4. Applicant's arguments filed 6/13/05 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson
Primary Examiner
Technology Center 1700
September 6, 2005